THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO. 21573 OF 2006

DATED: 23-10-2006

BETWEEN:

R. Venkateswarlu Goud …
Petitioner

And

The Government of Andhra Pradesh,
Rep. by its Secretary and three others …Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO. 21573 OF 2006

ORDER:

Heard the counsel.

The present writ petition is filed for a writ of Mandamus declaring the inaction on the part of the respondents in not extending the lease period granted in favour of the petitioner in respect of Mudivarthi Village Sand Reach pursuant to the Tender Notice No.650/2003-A3, dated 16-06-2004, issued by the 4th respondent for the period during which he could not conduct quarrying operations due to floods, raising of bunds, delay in identifying alternate ramp site and the action of the respondents in not reimbursing the amount of Rs.1 lakh, which was spent for construction of the ramp and laying of roads, in spite of petitioner's representations made to the respondents, the further action of the 4th respondent in issuing Tender-cum-Auction Notice No.2850/06-A3, dated 07-10-2006 seeking to auction Mudivarthi Village Sand Reach, as arbitrary, illegal, unjust, violative of fundamental rights guaranteed to the petitioner under the Constitution of India, violative of the provisions of the Minor Mineral Concession Rules, 1966 and issue a consequential direction to the respondents to

forthwith extend the lease for the period during which the petitioner could not conduct quarrying operations and to pass such other suitable orders.

It is stated that the auction is scheduled to be held on 26-10-2006 and the last date for receipt of tender applications is 23-10-2006. It is further stated that the petitioner submitted a representation to the first respondent on 10-10-2006. It is further stated that the fourth respondent issued tender-cum-auction notice No.2850/06-A3 seeking to auction the lease hold rights in relation to Pallipadu and Mudivarthi reaches and the said notice was published in 'Vaartha' Telugu Daily on 08-10-2006. It is stated by the learned Government Pleader that even if the auction is going to be held in relation to Mudivarti sand reach on 26-10-2006, the same would be operative only from 1st January 2007 and hence no prejudice would be caused to the writ petitioner. However, it is stated by the counsel for the writ petitioner that inasmuch as the representation was submitted by the writ petitioner requesting for extension of the lease period and also for certain other ancillary reliefs to the first respondent, it would not be just and appropriate if the auction is proceeded with pending consideration of the said representation.

In view of the facts and circumstances, this Court is of the considered opinion that the writ petition can be disposed of directing the first respondent to consider and dispose of the representation of the writ petitioner dated 10-10-2006 in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order and any auction which would be held in relation to Mudivarti Sand Reach on 26-10-2006 would be subject to the result of the orders, which may be passed by the first respondent on the representation of the petitioner dated 10-10-2006. It is also made clear that the said auction if any held

would become operative and the commencement of the operations would be only from 01-01-2007 and the same would also be subject to the orders, which would be passed on the representation of the writ petitioner dated 10-10-2006. It is also made clear that the prospective participants to be known about the directions issued by this Court in the present writ petition.

Writ petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA, J.

Dated: 23-10-2006

Note:

Issue CC by today.

(B/O)

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